

Overview of National Organic Program Requirements

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Having trouble understanding the National Organic Standards? If so, you're not alone! This overview is intended to provide an understandable introduction to the regulation.

The National Organic Standards (NOS) were developed by the USDA to implement the Organic Foods Production Act of 1990 (OFPA). The NOS are based on recommendations of the National Organic Standards Board (NOSB), which was appointed by the Secretary of Agriculture to provide advice to implement OFPA and to review substances allowed in organic production and handling.

As you may recall, the USDA issued the first proposed rule in December, 1997. That proposed set of standards would have allowed genetic engineering, irradiation, sewage sludge, antibiotics, re-feeding of animal by-products, and other practices long prohibited in organic agriculture. That proposal received 275,603 comments and was withdrawn.

The second proposed rule was issued in March 2000. It was much more consistent with existing organic standards than the first proposed rule. It received about 40,000 comments and served as the basis for the "final rule", issued in December 2000.

The final rule contains the National Organic Standards, complete with an extensive list of definitions and the "National List" of allowed synthetic and prohibited natural substances. It also contains labeling, certification, accreditation, enforcement, and testing requirements. The regulation went into effect on October, 21, 2002. The text of the rule, along with policy statements, program updates, a list of accredited certifying agents, complaint procedures, and other related information can be found at the [National Organic Program](#) website.

Under the regulation, any agricultural product can be produced using organic methods. The NOS covers all agricultural products labeled and sold as "organic" or "organically produced". The rule covers organic vegetable growers, orchardists, livestock producers, ranchers, processors, and handlers. Parts of the regulation even apply to retailers. As an organic operator, it is good for you to understand the requirements for other sectors, since these may affect your operation.

While the National Organic Standards are relatively new, organic standards and certification have existed in the United States since the mid-1970s, beginning with California Certified Organic Farmers. As the markets for organic products grew, so did the number of organic certification agencies. Though the standards of the different agencies, and the states which defined "organic" through legislation, were similar, there were differences. These differences sometimes resulted in trade difficulties and disputes between regions over whose standards were more "organic".

OFPA was passed by Congress in 1990 to begin the process of resolving the differences and establishing one set of national standards. Those standards are now in place. All certifiers who operate in the U.S., and all certifiers who certify products sold as "organic" in the U.S., must follow the NOS, and they must

be accredited by the USDA to show that they have the competence and freedom from conflict of interest to certify organic products.

“Organic production” is defined by the regulation as “a production system that is managed ... to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.”

In simplified terms, the National Organic Standards require:

For crop farms:

- 3 years (36 months prior to harvest) with no application of prohibited materials (no synthetic fertilizers, pesticides, or GMOs) prior to certification
- distinct, defined boundaries for the operation
- implementation of an Organic System Plan, with proactive fertility systems; conservation measures; and environmentally sound manure, weed, disease, and pest management practices
- monitoring of the operation’s management practices
- use of natural inputs and/or approved synthetic substances on the National List, provided that proactive management practices are implemented prior to use of approved inputs
- no use of prohibited substances
- no use of genetically engineered organisms (GMOs), defined in the rule as “excluded methods”
- no sewage sludge or irradiation
- use of organic seeds, when commercially available (must not use seeds treated with prohibited synthetic materials, such as fungicides)
- use of organic seedlings for annual crops
- restrictions on the use of raw manure and compost
- must maintain or improve the physical, chemical, and biological condition of the soil, minimize soil erosion, and implement soil building crop rotations
- fertility management must not contaminate crops, soil, or water with plant nutrients, pathogens, heavy metals, or prohibited substances
- maintenance of buffer zones, depending on risk of contamination
- prevent commingling on split operations (the entire farm does not have to be converted to organic production, provided that sufficient measures are in place to segregate organic from non-organic crops and production inputs)
- no field burning to dispose of crop residues (may only burn to suppress disease or stimulate seed germination – flame weeding is allowed)
- no residues of prohibited substances exceeding 5% of the EPA tolerance (certifier may require residue analysis if there is reason to believe that a crop has come in contact with prohibited substances or was produced using GMOs).

All operations producing and/or selling organic products must keep records to verify compliance with the regulation. Such records must:

1. be adapted to the particular operation
2. fully disclose all activities and transactions of the certified operation in sufficient detail as to be readily understood and audited
3. be maintained for at least 5 years beyond their creation
4. be sufficient to demonstrate compliance with the regulation. The operator must make the records available for inspection

Organic System Plan forms are generally provided by certifying agents as part of the application process. The plans must be updated annually, and operators are required to notify their certifying agents of all changes to the operation which might affect the operation's certification status. Operations must be inspected at least annually.

All producers and handlers who sell over \$5,000/year in organic products must be certified. Producers and handlers who sell under \$5,000/year do not have to be certified, but they still have to follow the NOS. Non-certified organic producers can sell their products directly to customers or to retail stores, but their products cannot be used as organic ingredients by other operations, and they cannot use the "USDA Organic" seal.

Though the National Organic Standards are similar to previous organic standards, there are some significant differences, and there are areas of continued controversy, confusion, and clarification. Despite the level of detail in the NOS, some interpretation is required for local variations and new conditions. It is always a good idea to check with certification agencies to get your questions answered, especially before purchasing or applying materials.